IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1958 OF 2006
WITH
WRIT PETITION NOS.1959, 1960, 1961,
1962, 1963, 1964, 1965, 1966, 1967 and 1968 OF 2006

Lotus Investments Limited, Mumbai. Petitioner
vs.
G.Y.Wagh, Assistant Commissioner of Income-tax, Central Circle 13, Mumbai & ors. Respondents

Mr.J.D.Mistry with Mr.A.K.Jasani for the petitioner.

Mr.Shiv Motaria for the respondents.

CORAM : H.L.GOKHALE &
V.R.KINGAONKAR,JJ.

DATED : 7th August, 2006

P.C.

Heard Mr.Mistry in support of all these petitions.

Mr.Shiv Motaria appears for the respondents.

2. All these petitions are filed by the assessee-company which is seeking to challenge the notices issued under Section 148 of the Income Tax Act for reopening the assessment of this company for different Assessment Years. The petitioner-company has filed its objection to these notices and although Mr.Mistry very much says that the reopening itself is bad and that this Court should go into it, he alternatively submits that in view of a judgment of the Apex court in **GKN Driveshafts (India) Ltd. v. Income-Tax Officer & Ors., 239 ITR 19,** the petitioners

have no objection if the Assessing Officer is directed to look into the objections filed by the petitioners and decide them. Mr.Motaria appearing for the respondents seriously has no objection to this course being adopted. The only rider of Mr.Mistry is that in the event the order is finally passed against the petitioners, the Assessing Officer shall not finalise the assessment for a period of four weeks thereafter.

3. Mr.Mistry also draws our attention to the order passed by the Division Bench in Writ Petition No.523/2006 decided on 8th March, 2006 to the same effect.

4. In the circumstances, we dispose of all these petitions by directing the respondent no.1 to decide the objections of the petitioners first after considering them and pass a reasoned order thereafter. He shall not pass the assessment order for a period of four weeks thereafter so that the petitioners will have an opportunity in challenging the said decision on objections.

5. All these petitions stand disposed of accordingly in the above terms. There will be no order as to costs.

(H.L. GOKHALE, J.)

(V. R. KINGAONKAR,J.)